

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EMMA RODRIGUEZ SUAREZ,

14 CV 9380 (RA)(AJP)

Plaintiff,

AFFIDAVIT OF
EMMA RODRIGUEZ SUAREZ

-against-

STANDARD LIFE INSURANCE
COMPANY OF NEW YORK,

Defendant.

-----X

STATE OF CONNECTICUT)
)
) ss:
COUNTY OF FAIRFIELD)

EMMA RODRIGUEZ SUAREZ, being duly sworn, deposes and says:

1. I am over the age of 18 years of age, am competent to give this testimony and have personal knowledge of the matters of which I testify.
2. I am plaintiff in this action.
3. I submit this affidavit in support of plaintiff's motion for summary judgment.

POST-DISABILITY TRAVELS

4. The Standard Life Insurance Company of New York denied my long term disability benefits.
5. The insurer alleged that my limited ability to travel after filing for disability benefits was "inconsistent" with my conditions. With the exception of my honeymoon, these trips were NOT for leisure, but rather for the following: medical work ups, returning to my hometown due to funerals and family issues, and to accompany my husband on two specific business trips lest I be left unattended for more than a week each.

Medical Workups

6. In April 2010, my husband and I traveled by automobile to Rochester, NY for an evaluation at the University of Rochester Medical Center. I was evaluated on April 28, 2010, at its Neuromuscular Disease Center.

7. In August 2010, my husband and I traveled by automobile to the Mayo Clinic in Rochester, MN, where I was evaluated by the Department of Neurology from August 2, through August 13, 2010.

Hometown and Family

8. In December 2010, my husband and I traveled by airline to my hometown of the Canary Islands, Spain, upon discovering that my 82-year old widowed mom's breast cancer had metastasized to her bones and became incurable.

9. In February 2012, my husband and I traveled to my hometown in the Canary Islands, Spain to attend my mother's funeral. My father having passed on 2006, she (my mom) left behind two siblings, my uncle and aunt, who were left to my sole care (as my brother leaves in Kong Hong, China).

10. In December 2012, my husband and I traveled to my hometown in the Canary Islands, Spain to tend to matters regarding my late mother's will and the closing of her estate.

11. In June 2013, my husband I traveled to my hometown in the Canary Islands, Spain to tend to matters regarding the placement of my late mother's siblings (my 87-year old aunt and 81-year old uncle who had previously suffered a stroke) into a nursing home. I have become their sole financial support and, in Spain, have power of attorney over them. Unlike the previous trips to my hometown (taken during non-peak seasons), summer airfares led my husband and I to travel on this trip from the U.S. to Canary Islands via Copenhagen on Icelandic Airlines, due to that carrier's much less expensive airfares, than our normal route of via Madrid on Iberia Airlines. Due to

the longer air length of that trip, we laid over a Saturday and Sunday in Copenhagen where friends live, so that I could rest.

12. In December 2014, my husband and I traveled to my hometown in the Canary Islands, Spain to take make further financial arrangements for my elderly and ill aunt and uncle.

Husband's Business Trips

13. In July 2011, my husband's employment required him to spend ten days in Denver and Aspen, CO, conducting seminars. Because we could not find a temporary live-in nurse with experience caring for the two conditions for which I had been diagnosed (benign intracranial hypertension and myasthenia gravis), I accompanied my husband on this trip, staying in his hotel room. At that time, we believed it was in my best interest to travel with my husband as opposed to being left unattended at home for ten days. During this trip, I did not attend any events connected with my husband's seminar. I instead stayed in our hotel room and we ate meals either served by room service or in the hotel restaurants.

14. In November 2012, my husband's employment required him to spend a week in Hong Kong, China, a trip which would require him to be away for ten days including travel time. For the same reason listed above, I accompanied my husband, which also allowed me to visit my brother who resides in Hong Kong. The New York City-Hong Kong flights were direct, so no resting layovers were necessary. During this trip, I stayed and ate meals in my hotel, except for a visit by taxi once a day to my brother's apartment.

Honeymoon

15. In May 2012, after the deaths earlier in that year of my widowed mother, my husband's widowed mother, and my husband's sole younger sibling, the man I refer to in this affidavit as my husband married me before a Justice of the Peace, after a decade-long courtship. Rather than spend money on a wedding reception, we chose to honeymoon in Bali, Indonesia, which during that decade had always been our goal. The timing of this trip was especially significant to us since we knew I was progressively losing the physical ability to travel and wanted to go here once in my lifetime. My husband put a lot of effort and resources, including financial, on special accommodations so that I could travel one last time with him for leisure. Nevertheless, I missed a lot of tourist sites which I was chauffeured to because I cannot go upstairs, walk for prolonged periods or uneven pavements, nor spend my energy in the ways healthy people assume normal (such as going out for a romantic evening dinner).

ACCOMODATIONS REQUIRED IN ORDER TO TRAVEL

16. In order to travel to destinations requiring the use of airlines, I required the following accommodations: business-class seating so I can fully recline because I become fatigued frequently; wheelchair access onto airline seats, not just from automobiles and between flights and gates; airport-employed wheelchair attendants; and steward assistance within the airplane so as to not fall when visiting onboard lavatories. Examples of these accommodations are attached as Exhibit A.

17. In addition to the accommodations for air travel listed in the paragraph above, during the trip to Bali for my honeymoon and during the trip to the my hometown of Canary Islands via Copenhagen, I required at least one day of rest at a hotel immediately after each transcontinental flight, before making any ongoing airline connections to those destinations. During all such layovers, I required transportation to and from the airport, hotel rooms with A/C and accessible without no stairs. The Bali honeymoon involved a two night layover in Singapore in route from and

to New York. The Copenhagen route involved a two night layover in that city in route from and to New York.

18. In traveling to Bali for my honeymoon, in addition to the accommodations required for air travel, I also required, and my husband arranged, private limousine guided tours and the local use of a wheelchair, as I am unable to walk for prolonged periods.

19. Before and after traveling to all of the above destinations, I require at least a week to recuperate each way, longer on the return home.

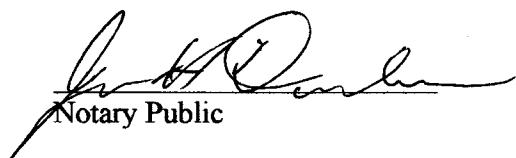
20. In my travels, I saw other travelers being pushed in wheelchairs and assisted into and out of airplanes at virtually every airport, and often saw handicapped people either on canes or being assisted to stand so that their friends and family could have photographs taken with them. I also always traveled with my doctor's permission. So, I did not think that traveling for my mother's funeral, or for the rare purposes of subsequently having to personally sign notarized documents in my Spanish hometown for reasons of probate or to arrange nursing care for elderly relatives, or for the extraordinary reason of a honeymoon, would cause any concern for my insurer. Had the insurer asked I would have provided the above explanations. I have always been forthcoming with the insurer and my doctors.

DATED this 27 day of October 2015



Emma Rodriguez Suárez

SUBSCRIBED and sworn to me this 27 day of October, 2015:



Notary Public

JAN DORENBOSCH
NOTARY PUBLIC OF CONNECTICUT
My Commission Expires 11/30/2019

Exhibit A to Affidavit

Exhibit F, p. 6



Reservation Code: 6NHCOJ

Passenger

Emma Rodriguez Suarez
Vincent Bartlett Crosbie

Loyalty Card

IB03859873
IB56523152

Ticket No.

075-2353518215
075-2353518214

Flight details

New York > Gran Canaria > New York

Departure	Arrival	Duration	Class	Seat
Outbound				
Thursday, July 11, 2013 20:45h / New York John F Kennedy , Terminal 7	Friday, July 12, 2013 10:00 h / Madrid Barajas , Terminal 4S		Business Basic	IB6252
				Confirmed
Flight operated by Iberia.				
Friday, July 12, 2013 12:30h / Madrid Barajas , Terminal 4	Friday, July 12, 2013 14:25 h / Gran Canaria Gran Canaria	12h 40m	Business Basic	IB824
				Confirmed
Flight operated by Iberia.				
Return				
Saturday, July 20, 2013 11:15h / Gran Canaria Gran Canaria	Saturday, July 20, 2013 14:50 h / Madrid Barajas , Terminal 4		Business Basic	IB3925
				Confirmed
Flight operated by Iberia Express.				
Saturday, July 20, 2013 16:50h / Madrid Barajas , Terminal 4S	Saturday, July 20, 2013 19:05 h / New York John F Kennedy , Terminal 7	12h 50m	Business Basic	IB6253
				Confirmed
Flight operated by Iberia.				

Heading	Fare	Taxes and carrier-imposed fees	nºPassengers	TOTAL
Adult	1,975.00	+ 976.48	x2	5,902.96

TOTAL PRICE

5,902 .96 \$

TOTAL PRICE, includes air fare, taxes and service fees.

[https://www.iberia.com/web/printIBKCF.do?tabId=&menuId=IBADV\\$](https://www.iberia.com/web/printIBKCF.do?tabId=&menuId=IBADV$)

5/26/2013

SPAIN

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and money

Flight Offers Booking management Online check-in Information My Profile

My Iberia Plus

Manage your booking

Reservation code: 6NHCOJ

Departure: Thursday, July 11, 2013 / 20:45h

Back to Booking Management

Route: New York > Gran Canaria > New York

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important to us

Update your contact information

The email address and mobile phone number you will use during your trip in "contact information" and you will always be kept informed of the flights on your booking.

Update your contact information

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Your booking details

Passengers information

Information review

You have already provided the passenger information required. You can now modify it online if you wish.

Complete passenger information in advance

For the USA an ESTA (Electronic System for Travel Authorization) system is required for all passport holders other than US citizens who are travelling on the visa exemption program. If you still have not done so, complete the ESTA details for all passengers.

Complete ESTA information

Passenger

Frequent flyer card

Avios for this booking

You can get Avios for buying the flight

Mrs Emma Rodriguez Suarez
 Type of passenger: Adult
 Identification: _____
 Special meal: No Preference
 Special assistance required: Wheelchair
 (Assistance confirmed)
 Ticket No. : 0752363518215

Mr Vincent Bartlett Crosbie

IB 56523152

You can get Avios for buying the flight



Iberia provides a service for passengers with a disability or reduced mobility.

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Request
the
service

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Contact information (iberia Conecta)

Thursday, July 11, 2013 / 20:45h
Flight New York > Gran Canaria

Departure	Arrival	Duration	Class	Seat	Flight No.	Status
Thursday, July 11, 2013 20:45h / New York John F Kennedy, Terminal 7	Friday, July 12, 2013 10:00h / Madrid Barajas , Terminal 4S		Business Basic	1L,1U	IB6252	Confirmed Non-Stop

Flight operated by Iberia.

Hand baggage: More information Baggage in hold: 3 Pieces

Friday, July 12, 2013
12:30h / Madrid
Barajas , Terminal 4Friday, July 12, 2013
14:25h / Gran Canaria
Gran Canaria

12h 40m

Business Basic

1F,1D

IB824

Confirmed
Non-Stop

Flight operated by Iberia.

Hand baggage: More information Baggage in hold: 3 Pieces

SEAT BOOKING

SPECIAL BAGGAGE

PETS

MEAL

ONLINE CHECK-IN

PASSENGERS WITH



To reserve the seat on your flight, you must request this with our call centre

<https://www.iberia.com/web/retrievePNRMyTrips.do?codigo=6NHCOJ&pasajero=RODR...> 5/26/2013

CLOSE

Saturday, July 20, 2013 / 11:15h
Flight Gran Canaria > New York

Departure	Arrival	Duration	Class	Seat	Flight No.	Status
Saturday, July 20, 2013 11:15h / Gran Canaria Gran Canaria	Saturday, July 20, 2013 14:50h / Madrid Barajas, Terminal 4		Business Basic	2F,2D	IB3925	Confirmed Non-Stop

Flight operated by Iberia Express.

Baggage in hold: 3 Pieces

Saturday, July 20, 2013 15:50h / Madrid Barajas, Terminal 4S	Saturday, July 20, 2013 19:05h / New York John F Kennedy, Terminal 7	12h 50m	Business Basic	7A,7C	IB6253	Confirmed Non-Stop
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Flight operated by Iberia.

Hand baggage: More information Baggage in hold: 3 Pieces

SEAT BOOKING

SPECIAL BAGGAGE

PETS

MEAL

ONLINE CHECK-IN

PASSENGERS WITH SPECIAL NEEDS

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		Direct equipment (door-to-door)	
		Hand luggage	

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Making your trip comfortable
Destination guide

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Boarding pass Passport and Visas Take out travel insurance	Special meals Wheelchair (assistance) Other special requirements Sports equipment Travelling with pets	Add frequent flyer program (Iberia Plus) Change contacts	Refund request for flight ticket

Booking changes

Refund request for flight ticket

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[Conditions of Carriage]

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Iberia.mobi

Iberia Group

Shareholders and investors

British Airways

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Atención telefónica: 902 404 704 / (+34) 91 321 10 00

Personas con discapacidad auditiva

Síganos en:



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WCAG UNA-AR WCAG 1.0

WCAG XHTML 1.0

WCAG CSS

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902 404 704
(+34) 91 321 10 00

Personas con discapacidad auditiva

Confirmación de datos de solicitud de asistencia



Nombre: EMMA
Apellidos: RODRIGUEZ SUAREZ

Tipo de discapacidad:

WCHS: Pasajeros que requieren ayuda para subir o bajar escaleras, que necesitan silla de ruedas u otro medio para el traslado entre la aeronave y la Terminal, por la propia Terminal o entre los puntos de llegada y salida del aeropuerto, pero que son autosuficientes para desenvolverse dentro de la aeronave.

Asistencia Requerida:

Acompañante: Sí
Número de acompañantes: 1

Acompañante 1
Nombre acompañante: Vincent Crosbie

Trae perro guía o perro asistencia: No

Vuelo1	Número de vuelo:	3925
	Código IATA	I2
	Código OACI	IBS
	Fecha:	20/07/2013
	Hora:	11:15
	Aeropuerto de Salida:	GRAN CANARIA (LPA)
	Área terminal salida:	ZonaA
	Fecha de cita:	20/07/2013
	Hora de cita:	09:15
	Punto de encuentro:	Acera salidas Edificio Terminal zona A

Número de Solicitud Aeropuerto Salida: 2-004882362

Aeropuerto de Llegada: MADRID-BARAJAS (MAD)

Número de Solicitud Aeropuerto Llegada: 2-004882363

Vuelo2	Número de vuelo:	6253
	Código IATA	IB
	Código OACI	IBE
	Fecha:	20/07/2013
	Hora:	16:50
	Aeropuerto de Salida:	MADRID-BARAJAS (MAD)

Número de Solicitud Aeropuerto Salida: 2-004882364

Aeropuerto de Llegada: NUEVA YORK-J.F.KENNEDY (JFK)

Número de Solicitud Aeropuerto Llegada: Aeropuerto NO Aena

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U OPERADOR TURÍSTICO PARA INFORMAR DE SUS NECESIDADES DE ASISTENCIA

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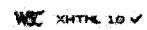
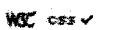
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SOLICITUD ASISTENCIA A PMR REQUEST FOR PRM ASSISTANCE

AEROPUERTO DE/AIRPORT MADRID/BARAJAS

Con preaviso/ With advance notice Sin preaviso /Without advance notice
(Ver nota 1 al dorso) (see note 1 on the back)

Salidas/ Departures Llegadas/Arrivals Conexión/ Connection Otras/Others
Request no.: _____

Tipo de asistencia PMR/
Type of PMR assistance: BLND WCHS WCHC WCHR DPNA DEAF DEAF/BLND MAAS
PMR category: _____

Fecha/Date: **20-7-13** Nº vuelo/
Flight no.: **3525** Hora/Time: **14:55** Apto. de origen/
Origin apt.: **PHB** Apto. destino/
Destination apt.: **PHD**

Categoría PMR/
PMR category: BLND WCHS WCHC WCHR DPNA DEAF DEAF/BLND MAAS

Trae acompañante/Bringing companion: Trae silla de ruedas propia/Bringing own wheelchair: Trae perro guía/Bringing guide dog:

Nombre/First name: **EMMA** Apellidos/Surname: **RODRIGUEZ**

Tipo de doc./
Type of I.D.: Documento/Document: _____ Edad*/Age*: _____ Hombre*/Male*: Mujer*/Female*:

e-mail*/e-mail*: _____ Teléfono*/Telephone*: _____

Valoración general de la asistencia recibida en el aeropuerto*/Overall assessment of the assistance received at the airport*

Excelente/ Excellent Buena/Good Aceptable/ Acceptable Regular/Below average Mala/Poor

Firma del agente:
Agent's signature: **131723** Firma del pasajero:
Passenger's signature: **131723** (*) Ver nota 4 al dorso
(See note 4 on the back)

Solicita voluntariamente la finalización anticipada/
Voluntary request for early termination
(Ver nota 3 al dorso) (See note 3 on the back)

Seguimiento de asistencia/ Assistance report:

Canal/ Aeropuerto SITA (PAL/CAL) PSM Call Center Web

Channel: Airport

Interrupción servicio
Service interrupted:

Lugar inicio asistencia/
Place of initiation of assistance: **KLH** Hora petición solicitud (Salidas)
Time assistance requested (Departures): **14:55** Puerta de embarque y/o Stand/
Hora llegada aeronave (Llegada)
Aircraft arrival time (Arrival): **16:00** Boarding gate and/or stand:

Hora inicio/
Time at beginning: **13:00** Lugar fin asistencia/
Place of termination of assistance: **KLH** Hora fin
Time at end: **16:00**

Observaciones/ Observations: **786253**